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JOHN F. OGRCORAN, CLERK

DEST. COURT

## IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF VIRGINIA

CHARLOTTESVILLE DIVISION

TAMELA A. MILLS,

CIVIL ACTION No. 3:05CV00016

Plaintìff,

 $\mathbf{v}$ 

**ORDER** 

JO ANNE B. BARNHART, Commissioner of Social Security

Defendant.

JUDGE NORMAN K. MOON

By order dated July 11, 2005, this Court referred the above-captioned case to the presiding United States Magistrate Judge for proposed findings of fact and recommendation for disposition. On October 7, 2005, the Magistrate Judge filed his Report and Recommendation, recommending that the court reverse the final decision of the Commissioner of Social Security and remand for the purposes of calculating and paying proper benefits. The Defendant filed an objection to the Report and Recommendation on October 13, 2005. The court reviews *de novo* those portions of the report or specified proposed findings or recommendations to which objection was made. *See* 28 U.S.C. § 636(b)(1) (West 1994 & Supp. 2002). Having thoroughly considered the Report and Recommendation, the Commissioner's objections, the supporting memoranda, the applicable law and the documented record, and for the reasons stated in the accompanying Memorandum Opinion, it is this day

ADJUDGED, ORDERED, AND DECREED

## as follows:

- 1. The Magistrate's Report and Recommendation of October 7, 2005 is ADOPTED IN PART.
- 2. The Plaintiff's motion for summary judgment of August 29, 2005 and the Defendant's motion for summary judgment of September 26, 2005 are DENIED.
- 3. The final decision of the Commissioner shall be, and hereby is, REVERSED.
- 4. This case shall be, and hereby is, REMANDED to the Commissioner for further proceedings, in accordance with the accompanying Memorandum Opinion.
- 5. This case shall be, and hereby is, STRICKEN from the docket of the court.

The Clerk of the Court is hereby directed to send a certified copy of this Order and the accompanying Memorandum Opinion to the Magistrate Judge and to all counsel of record.

ENTERED: Yound Man
United States District Judge

Lebruary 10, 2006
Date